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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/563,044

05/08/2006

Richard L. Thelen

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7590
Charles F. Meroni, Jr.
MERONI & MERONI, P.C.
P.O. Box 309
Barrington, IL 60011

04/19/2007

EXAMINER

MILLER, SAMANTHA A

ART UNIT

PAPER NUMBER

3749

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/563,044

Applicant(s)

THELEN, RICHARD L.

Examiner

Samantha A. Miller

Art Unit

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/29/2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because drawing are not clear and lines overlapping. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-15, and 17-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (4,926,746). Smith teaches in the specification and Figs. 1-38 an invention in the same field of endeavor as applicant's invention that is described in the applicant's claims.

Smith teaches:

1. An end wall (wall of 22, Fig.3) having an opening, said opening adapted to allow the ingress and egress of the aircraft (col.30 ll.15-21); a first side wall segment (right sidewall of 22, Fig.3), adjacent to said end wall; a second side wall segment (left sidewall of 22, Fig.3), opposing said first side wall segment; a third side wall segment (right sidewall 13, Fig.3) adjacent to said first sidewall segment, said third sidewall segment is stepped inward from said first sidewall segment (Fig.3); a fourth sidewall segment (left sidewall 13, Fig.3) adjacent to said second sidewall segment (Fig.3), said fourth sidewall segment being stepped inward from said second sidewall segment and opposing said third sidewall segment (Fig.3); a first transitional sidewall segment (Floor of 22 between right sidewall of 22 and right sidewall 13, Fig.3) positioned between said first sidewall segment and said third sidewall segment; a second transitional sidewall

Art Unit: 3749

segment (Floor of 22 between left sidewall of 22 and left sidewall 13, Fig.3) positioned between said second sidewall segment and said fourth sidewall segment; a filtration unit (174) opposing said end wall, said filtration unit adapted to capture paint overspray (col.4 ll.49-57 and col.26 ll.40-42); and a fan unit (149) positioned downstream from said bank of filters, said fan unit adapted to create an airflow through said spray booth (col.25 ll.51-53).

2.A carbon filter (174) bank (col.4 ll.49-57 and col.26 ll.40-42) to remove VOC's and odors.

3.A recirculating air system (Fig.30) (col.25 ll.64-67).

4. The heated air (24) is provided within the booth to cure the paint of a recently painted object (col.17 ll.59-67).

5. The first wall segment includes lighting (16) to illuminate the aircraft (col.19 ll.49-52).

6. The second wall segment includes lighting (16) to illuminate an aircraft (col.19 ll.49-52).

7. The width between the third and fourth side walls is from about 1/2 to about 2/3rds less than the width between the first and second side walls (Fig.3).

8. The end wall includes a plurality of doors adapted to enclose the aircraft within the spray booth (col.30 ll.15-21).

9. An an entryway adapted to permit the ingress and egress of aircraft (col.30 ll.15-21); an airflow generation unit (149) adapted to move air through the booth (col.25 ll.51-53); an end wall (wall of 22, Fig.3), opposing the entryway, the end wall including a

Art Unit: 3749

filtration system (174) adapted to remove airborne contaminants (col.4 ll.49-57 and col.26 ll.40-42); the booth having sidewalls formed to have a first section (width of building 22, Fig.3) with a first width and a second section (width of walls 13, Fig.13) with a second width wherein the first width is approximately 2/3rds greater than the second width (Fig.3) such that the airflow rate (produced by fan 36, Fig.3) in the second width is greater than the airflow rate of the first width.

10. The entryway includes doors adapted to seal the entryway to the booth (col.30 ll.15-21).

11. The filtration (174) system includes a plurality of removable filtration units (col.5 ll.15-16, teaches mounting filters so must be removable).

12. The sidewalls include a plurality of lights (16) adapted to illuminate the aircraft (col.19 ll.49-52).

13. The booth includes an air intake (27) to permit air to enter the booth (col.18 ll.1-3) (Fig.3).

14. The side walls include a tapered section to transition from the first section to the second section (entry between 189, 190, and 191) (Fig.32-33) (col.27 ll.37-40).

15. An entryway having an opening adapted to permit the ingress and egress of the aircraft (col.30 ll.15-21); an end wall opposing the entryway, the end wall including a filtration system (174) (col.4 ll.49-57 and col.26 ll.40-42); a fan (149) adapted to create a continuous airflow through the booth (col.25 ll.51-53); a first sidewall segment (right sidewall of 22, Fig.3), positioned adjacent the entryway; a second sidewall segment (left sidewall of 22, Fig.3), opposing the first sidewall segment; a first tapered wall segment

Art Unit: 3749

(right sidewall 13, Fig.3) adjacent to the first sidewall segment at a first end and adjacent to the end wall at a second end; a second tapered wall segment (left sidewall 13, Fig.3) adjacent to the second sidewall segment at a first end and adjacent to the end wall at a second end.

16. A carbon filter (174) bank to remove VOC's and odors (col.4 l.49-57 and col.26 ll.40-42).

17. A recirculating air system (Fig.30) (col.25 ll.64-67).

18. The heated air (24) is provided within said booth to cure the paint of a recently painted aircraft (col.17 ll.59-67).

19. The first wall segment includes lighting (16) to illuminate the aircraft (col.19 ll.49-52).

20. The second wall segment includes lighting (16) to illuminate an aircraft (col.19 ll.49-52).

21. The width of the booth after the first and second tapered wall segments is reduced by about 2/3rds (Fig.3).

22. The end wall includes a doors adapted to enclose the aircraft within the booth (col.30 ll.15-21)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3749

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Barlett (5,165,969). Smith teaches the invention as discussed above. However, Smith does not teach an oxidizer.

Barlett teaches:

2. A fume oxidizer (50) to remove VOC's and odors (Abstract and col.9 ll.39-45).

16. A fume oxidizer (50) to remove VOC's and odors (Abstract and col.9 ll.39-45).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. As listed on PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samantha A. Miller whose telephone number is 571-272-9967. The examiner can normally be reached on Monday - Thursday 9:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken Rinehart can be reached on 571-272-4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

Art Unit: 3749

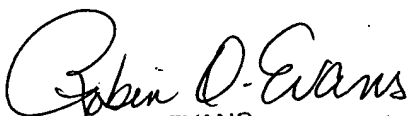
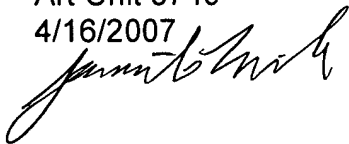
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Samantha Miller

Examiner

Art Unit 3749

4/16/2007



ROBIN EVANS
SUPERVISORY PATENT EXAMINER
4/16/07